

### III. Remarks

Applicant first notes that the “New Specification and Drawings” submitted herewith reflects Article 34 amendments filed during the prosecution of the international stage of PCT10/030,379, in addition to reflecting certain other amendments, including: (a) deletion of the tables of references, which now appears as the Information Disclosure Statement; (b) a priority claim; and (c) formalized drawings submitted during the prosecution of the international application. However, amendments to the claims that the applicant is now making for the first time (these amendments include only cancellation of certain claims) are included in this preliminary amendment to reduce the number of claims in this US National Phase application (the total number of remaining claims is 20, with three independent claims and no multiple dependent claims). This cancellation of claims forms the only amendment to be made to the New Specification to be submitted at this time.

For purposes of clarity, the applicants indicate that among the changes newly made to the international application (i.e., amendments that were not among the Article 34 amendments), including the addition of a priority claim, and the deletion of the table of references, the priority claim is presented below for the office’s convenience. The added text (added on page 1 after the title of the application) is as follows:

This application is the U.S. National Stage of International Application No. PCT/US03/11614, filed April 14, 2003, and published on October 23, 2003 as WO 03/088204 A1, said international application claiming the benefit of, and filed during the pendency of, United States Provisional Application No. 60/372,216, filed April 12, 2002, each hereby incorporated by reference.

Preliminary amendments to the claims are presented to limit the examination effort required for this initial application by canceling claims. The applicant does not waive any right to have the canceled claims examined without any restriction in breadth in a subsequent continuing application, if desired. The amendments have been particularly presented to avoid, where applicable, any admission or estoppel, generally, negatively effecting the scope of

protection provided by the disclosure and claims of the present application, and particularly to avoid prosecution history estoppel, limitation of the scope of equivalences, or the like.

The applicant respectfully requests that the present amendment to the claims be entered by the Examiner. Claims 1, 2, 5, 7-9, 12-15, 17-19, 23-24, 31, 32, 35, 38 and 101 remain in the application and the applicant respectfully requests allowance at the examiner's earliest convenience.

Dated this 12<sup>th</sup> day of October, 2004.

Respectfully Submitted,  
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